

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to adopt Section 120.01, and amend Sections 120.00, 120.02, and 120.04 regarding the Notice of Completion and Proof of Enrollment Certificates, in Article 2.5 (Driving Under the Influence), Chapter 1, Division 1, of Title 13, California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on March 3, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651 and 13353.45, in order to implement, interpret or make specific Vehicle Code sections 13352, 13352.4, 13352.5, 13353.4 and 13353.7

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 13353.45 requires the department, in cooperation with the Department of Alcohol and Drug Programs, to develop notice of completion certificates for DUI Programs and to develop, implement, and maintain a system for safeguarding the completion certificates against misuse.

This proposal would adopt Section 120.01 in Article 2.5, Chapter 1, Division 1, Title 13, California Code of Regulations to specify the requirements for acquiring and use of the proof of enrollment certificate. This proposal also amends Sections 120.00, 120.02, and 120.04 of Article 2.5, Chapter 1, Division 1, Title 13, California Code of Regulations to reflect process requirement changes, and revisions to forms and certificates required to provide proof of completion and enrollment in a DUI program.

DOCUMENTS INCORPORATED BY REFERENCE

The following forms are incorporated by reference throughout Section 120.00, 120.01, 120.02, and 120.04. These forms are not published in the California Code of Regulations,

because it would be impractical and cumbersome to publish these documents in the Code of Regulations:

DL 101R (Rev. 10/2001)	DL 804 (New 4/2002)
DL 101S (Rev. 11/2001)	DL 107 (Rev. 5/2000)
ADM 518A (New 5/2002)	DL 101 (Rev. 12/2000)

The forms are available to the public.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonably compliance with the proposed action. Any additional costs required are to be borne by those individuals electing to participate in a Driving Under the Influence Program.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect that would have a significant statewide economic impact on businesses, including the ability of California businesses to compete with businesses in other states. This regulatory action will increase the fee for forms required to be purchased from the department. This increase is proposed to cover the department's cost of producing the forms. A cost analysis can be obtained from the department through the contact person identified below.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses since additional costs incurred by the enactment of this regulation are designed to be recouped by the business from the participant.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Ann Myrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8857, or amyrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons, and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department

will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.